

**REMARKS**

Claims 11, 13, 15, 16, 17, 21, 23, 26, and 27 - 34 are presently in the application.

Claims 17, 21, 26, 28, 31 and 33 have been canceled. The above amendments are being made to place the application in better condition for examination.

Reconsideration of the rejection of claims 11, 13, 15, 17, 21, 23, 26 & 31- 34 under 35 USC 103(a) as being unpatentable over US Patent No. 4,596,941 to Kluck is respectfully requested.

Claim 11 is directed to an electrical machine, comprising:

a housing for the machine, the housing including a housing body (2) and a housing cap (3),

a brush holder (5) disposed in the housing for holding brushes (6), and

an elastic region (4; 11) in housing cap (3) which enables positioning of the brush holder (5) relative to a commutator (7) from outside the housing, *wherein the elastic region (4) is embodied as an independently formed elastomer element disposed in and secured in the housing cap (3)*, and wherein a seal is achieved between the elastomer element and the housing cap (3).

Kluck is relied upon by the examiner for showing the recited elements and arrangement of a housing including a housing body, a housing cap 10, brush holders 13, 14 and an elastic region 24 disposed in and (integrally) secured in the housing cap 10. The housing cap 10 of Kluck is integrally formed as a single element, whereas the elastic region of the invention is a separate element of an elastomer element secured in the housing body or

housing cap. This feature of the elastomer element being independently formed from the housing cap is now recited in claim 11. Claim 11 has been amended herein to more clearly define that the elastomer element 4 is a separate element. Kluck lacks and has no suggestion of an elastomer element disposed separately, as all embodiments teach the end shield as one integral piece. Therefore withdrawal of the rejection of claim 11 and those depending therefrom is respectfully requested.

Reconsideration of the rejection of claim 16 under 35 USC 103(a) as being unpatentable over US Patent No. 4,596,941 to Kluck in view of US Patent No. 3,094,594 to Watson is respectfully requested.

Claim 16 is directed to the electrical machine of claim 11, wherein the elastomer element is *shaped as a cylinder and is provided with a fastening slot in an outer circumference of the cylinder* thereby achieving the seal between the elastomer element and the housing cap.

Kluck is relied upon by the examiner to show all of the elements of claim 16 except for a circumferential fastening slot in the outer circumference of the elastomer element. Watson teaches a housing cap 23 having a fastening slot to seal the housing cap to the housing. As presented above, Kluck lacks an independently formed elastomer element as required by claim 11. Neither Watson nor Kluck taken alone or in combination teach or suggest an independently formed elastomer element as required by claim 11. As claim 16 depends from independent claim 11, withdrawal of the rejection is respectfully requested.

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Amdt. dated November 28, 2006  
Reply to the FINAL Office Action of August 28, 2006

Reconsideration of the rejection of claims 27-29 under 35 USC 103(a) as being unpatentable over US Pub. No. 2002/0175573 to Hayashi in view of Kluck is respectfully requested.

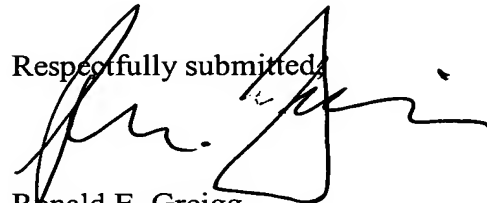
Claims 27 and 29 are directed to the electrical machine of claim 11, being used in a vehicle for electrically actuated accessories, or a drive for windshield wipers, respectively.

Hayashi is relied upon for showing a windshield wiper motor for use in a vehicle. However, as Kluck lacks the elements of the invention as newly claimed, as discussed above, the rejection appears to be moot. Withdrawal of the rejection is respectfully requested.

As it appears that claim 11 is distinguished over the references taken alone or in combination, allowance of all the claims is respectfully requested.

Entry of the amendment is respectfully solicited.

Respectfully submitted,



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